

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT **Sep 17, 2024**

SEAN F. McAVOY, CLERK

EASTERN DISTRICT OF WASHINGTON

LYNDSEY M.,¹

Plaintiff,

vs.

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:24-cv-05032-RHW

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 11, 15

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 15, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Chad Hatfield represents Plaintiff. Attorney Michael Mullen represents Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulated Motion for Remand, **ECF No. 15**, is **GRANTED**.
2. The above-captioned case be **REVERSED** and **REMANDED** to the

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 Commissioner of Social Security for further administrative proceeding pursuant to
2 sentence four of 42 U.S.C. § 405(g).

3 The parties have stipulated to the following instructions. On remand, the
4 Appeals Council will instruct the ALJ to:

- 5 • Take any further action needed to complete the administrative record;
- 6 • Offer Plaintiff the opportunity for a hearing;
- 7 • Re-evaluate the medical opinion evidence and prior administrative
8 medical findings; and
- 9 • Issue a new decision.

10 *See* ECF No. 15 at 1-2.

11 3. Judgment shall be entered for **PLAINTIFF**.

12 4. Plaintiff's Motion for Summary Judgment, **ECF No. 11**, is **STRICKEN**
13 **AS MOOT**.

14 5. Upon proper presentation, this Court consider Plaintiff's application for
15 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

16 The District Court Executive is directed to enter this Order, **enter**
17 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

18 DATED September 17, 2024.

19
20 *s/Robert H. Whaley*
ROBERT H. WHALEY
Senior United States District Judge